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Michael L. Grandcolas

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/671,424
Filing Date: September 27, 2000
Appellant(s): GRANDCOLAS ET AL.

John M. Harrington (Reg. No. 25,592)

For Appellant

EXAMINER'S ANSWER

This is in response to the amended appeal brief filed 03/13/09 appealing from the Office action mailed 06/01/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 04/26/07 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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6,061,666

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5-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

As a preliminary matter, the IDS filed 1/07/08 has been reviewed and entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,539,361) Richards et al, hereafter Richards.

As per claim 51, Richards discloses, A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising: receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user (col. 11, line 46-col. 13, line 54, col. 14, line 15-22 and line 56-col. 15, line 65 and col. 16, lines 17-50); associating selectively said session request with pre-stored parameters for configuring a

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standardized user specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user (col. 16, lines 10-67 and col. 17, line 1-col. 18, line 4); and displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user (col. 22, line 30-col. 23, line 52, col. 24, lines 9-21 and line 46-col. 25, line 40). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and local or international user. Richards did not expressly disclose “ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user. However, Richards does disclose a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen –col. 11, lines 46-49 and the card reader reading the card data – col. 12, line 33-37. This is interpreted as determining the status of the user as a customer or a non-customer and a local or international user.

As per claim 52, Richards discloses, A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines,

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comprising: receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user (col. 11, line 46-col. 13, line 54, col. 14, line 15-22 and line 56-col. 15, line 65, col. 16, lines 17-50, and col. 35, lines 13-29); selectively associating said session request with pre-stored parameters for configuring a standardized user specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user (col. 16, lines 10-67 and col. 17, line 1-col. 18, line 4); and displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user (col. 22, line 30-col. 23, line 52, col. 24, lines 9-21 and line 47-col. 25, line 40). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and vision impaired or vision unimpaired user. Richards did not expressly disclose “ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user. However, Richards does disclose a touch screen which includes an icon which indicates

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that to commence a transaction the user should touch the screen –col. 11, lines 46-49 and the card reader reading the card data – col. 12, line 33-37. This is interpreted as determining the status of the user as a customer or a non-customer. Richards in col. 7, line 16-18 – “Alternative embodiments of the invention may include other output devices such as audio speakers” which indicates that a person who is visually impaired can use the ATM machine.

(10) Response to Arguments

Appellants’ argue on pages 4 and 5, paragraph 4:

Richards fails to teach or suggest: receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user as recited in claim 51.

Examiner’s Response:

Richards does disclose and suggest the invention as claimed in claim 51 according to the claim limitations. The session request is performed by the server 90 when the screen 30 is touched the server 90 receives a message indicating the customer has touched the icon on the display screen ... then a screen is produced instructing the customer to insert their card into the card reader mechanism and in response to receiving the message to enable the card reader from the device application portion and the card input by the customer which includes indicia with which the URL may be

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encoded on the customer's card (col. 11, lines 46-66 and col. 12, lines 2-25 and lines 33-61). Column 13, lines 1-25 discuss how the customer is identified which is derived from the inputs to input devices other than or in addition to the card data (col. 22, line 30-col. 23, line 52 and continues to col. 25, line 40 in discussing how the ATM knows that the customer is a foreign customer (Non-customer) or customer or local or international user. Richard discloses the limitations in the alternative of non-customer and international (foreign user). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and local or international user. Richards did not expressly disclose “ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user. However, Richards does disclose a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen –col. 11, lines 46-49 and the card reader reading the card data – col. 12, line 33-37. This is interpreted as determining the status of the user as a customer or a non-customer and a local or international user. As recited above, Richards screen is produced instructing the customer to insert their card into the card reader mechanism and in response to receiving the message to enable the card reader from the device application portion and the card input by the customer which includes indicia with which the URL may be encoded on the customer's card (col. 11, lines 46-66 and col. 12, lines 2-25 and lines 33-61). Column 13, lines 1-25 discuss how the customer is identified which is derived from the inputs to input devices other than or in addition to the card data (col. 22, line 30-col. 23, line 52 and continues to col. 25, line 40

in discussing how the ATM knows that the customer is a foreign customer (Non-customer) or customer or local or international user.

Appellants' argue on page 5 paragraph 2:

Richards fails to teach or suggest associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user as recited in claim 51.

Examiner's Response:

Richards discloses associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user in col. 16, line 10- col. 18, line 4 – Alternatively, the document(s) or record(s) which contain the customer data may be used to generate the addresses for other documents. The information may be used to generate a document for the particular customer in particular circumstances. This approach may be useful to reduce the effort associated

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with developing in advance a personal visual page or document for each customer.” In col. 16, lines 1-9- “... a screen that is associated with the particular customer’s URL address. This will be the interface of the customer’s home bank and will be familiar to the customer. The customer address may access what may be essentially the customer’s personal “home page” with the institution that operates computer system 14. It is not only something the user is familiar with, but is ideally tailored to the user’s particular transaction needs.” Richard discloses the limitations in the alternative of non-customer and international (foreign user). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and local or international user.

Appellants’ argue on page 5 paragraph 3:

Richards fails to teach or suggest displaying the standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user, as recited in claim 51.

Examiner’s Response:

Richard discloses the limitations in the alternative of non-customer and international (foreign user). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and local or international user.

Appellants’ argue on page 7 paragraph 1:

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Richards fails to teach or suggest receiving a session from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as vision impaired or vision unimpaired user as recited in claim 52.

Examiner's Response:

Richards discloses the claim limitations as follows; The session request is performed by the server 90 when the screen 30 is touched the server 90 receives a message indicating the customer has touched the icon on the display screen ... then a screen is produced instructing the customer to insert their card into the card reader mechanism and in response to receiving the message to enable the card reader from the device application portion and the card input by the customer which includes indicia with which the URL may be encoded on the customer's card (col. 11, lines 46-66 and col. 12, lines 2-25 and lines 33-61). Column 13, lines 1-25 discuss how the customer is identified which is derived from the inputs to input devices other than or in addition to the card data (col. 22, line 30-col. 23, line 52 and continues to col. 25, line 40 in discussing how the ATM knows that the customer is a foreign customer (Non-customer) or customer or local or international user. Richards further discloses the status of the user in the alternative as being vision unimpaired and the other claim limitations are addressed above. It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and vision impaired or vision unimpaired user. As recited above, Richards screen is produced instructing the customer to insert their

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card into the card reader mechanism and in response to receiving the message to enable the card reader from the device application portion and the card input by the customer which includes indicia with which the URL may be encoded on the customer's card (col. 11, lines 46-66 and col. 12, lines 2-25 and lines 33-61). Column 13, lines 1-25 discuss how the customer is identified which is derived from the inputs to input devices other than or in addition to the card data (col. 22, line 30-col. 23, line 52 and continues to col. 25, line 40 in discussing how the ATM knows that the customer is a foreign customer (Non-customer) or customer or local or vision unimpaired by the customer touching the screen and reading the indicia on the card that is inserted into the mechanism to begin the transaction.

Appellants' argue on page 7 paragraph 2:

Richards fails to teach or suggest associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52.

Examiner's Response:

Richards does disclose and suggest the invention as claimed in claim 52 according to the claim limitations. The session request is performed by the server 90 when the screen 30 is touched the server 90 receives a message indicating the customer has

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touched the icon on the display screen ... then a screen is produced instructing the customer to insert their card into the card reader mechanism and in response to receiving the message to enable the card reader from the device application portion and the card input by the customer which includes indicia with which the URL may be encoded on the customer's card (col. 11, lines 46- col. 13, line 54, col. 14, line 56 –col. 15, line 65, col. 16, lines 17-50, and col. 35, lines 13-29). Column 13, lines 1-25 discuss how the customer is identified which is derived from the inputs to input devices other than or in addition to the card data (col. 22, line 30-col. 23, line 52 and continues to col. 25, line 40 in discussing how the ATM knows that the customer is a foreign customer (Non-customer) or customer or local or international user. Richard discloses the limitations in the alternative of customer or non-customer. It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and vision impaired or vision unimpaired user. Richards did not expressly disclose “ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user. However, Richards does disclose a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen –col. 11, lines 46-col. 13, line 54 and the card reader reading the card data – col. 12, line 33-37. Col. 13, lines 19-25 recites “Alternatively, input data representative of appearance, voice, other features (or combinations thereof), or other input data, may be used to generate one or more addresses which correspond to a user, and the content of the record at the accessed address used to verify that the user at the machine

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corresponds to the user associated with the record.” This is interpreted as determining the status of the user as a customer or a non-customer and a vision impaired or vision unimpaired user. As recited above, Richards screen is produced instructing the customer to insert their card into the card reader mechanism and in response to receiving the message to enable the card reader from the device application portion and the card input by the customer which includes indicia with which the URL may be encoded on the customer’s card (col. 11, lines 46-66 and col. 12, lines 2-25 and lines 33-61). Column 13, lines 1-25 discuss how the customer is identified which is derived from the inputs to input devices other than or in addition to the card data (col. 22, line 30-col. 23, line 52 and continues to col. 25, line 40 in discussing how the ATM knows that the customer is a Non-customer or customer or vision impaired or vision unimpaired user.

Appellants’ argue on page 9 paragraph 1:

Do fails to remedy the deficiencies of Richards. On the contrary, instead of receiving a session request from a user using a transaction card at an interactive interface to access the self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, the transaction card in Do is nothing more than a conventional magnetic stripe card that provides all users access to the ATMs (See, e.g., Do, Col 2, lines 59-60) and Do mentions only in passing that it would be possible for a provision to be made to allow a customer to ask for a large-type visual display (See, e.g., Do, Col 5, lines 4-6).

Examiner's Response:

Do does teach and suggest an ATM machine for the blind and visually impaired which being useful for the sighted (see abstract) and col. 4, line 66-col. 6, line 7. Do discloses the limitations in the alternative of customer or non-customer and vision impaired or vision unimpaired. It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and vision impaired or vision unimpaired user.

Appellants' argue on page 9 paragraph 2:

In addition, instead of associating, selectively the session request with pre-stored parameters for configuring a standardized user-specific interactive interface, consisting at least in part of a set of parameters for determining financial application functions to be offered to the user based on a status of the user as a customer or non- customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, Do makes absolutely no distinction between visually impaired and non-visually impaired users, but simply provides an ATM for use by all users (See, e.g., Do, Col 4, line 66-Col 5, line 8).

Examiner's Response:

Do was not used to reject this claim limitation in claim 52. Richards was used to reject this claim limitation in claim 52 and has been addressed above.

Appellants' argue on page 9 paragraph 3:

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Further, instead of displaying a standardized customer-specific interactive interface to provide the user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user, as recited in claim 52, Do displays the same interface with features useful to a visually impaired user to all users regardless of their visual ability (See, e.g., Do, Col 4, line 66-Col 5, line 8).

Examiner's Response:

Do does teach and suggest an ATM machine for the blind and visually impaired which being useful for the sighted (see abstract) and col. 4, line 66-col. 6, line 7. Do discloses the limitations in the alternative of customer or non-customer and vision impaired or vision unimpaired. It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and vision impaired or vision unimpaired user.

Appellants' argue on page 9 paragraph 4:

Consequently, Richards and / or Do, separately or in combination with one another, do not recite the required combinations of limitations recited in claims 51 and 52.

Because the cited references do not teach the limitations of claims 51 and 52, the Examiner has failed to establish the required prima facie case of unpatentability. See In re Royka, 490 F.2d 981,985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP 2143.03.

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Examiner's Response:

Case law can be had to address this argument as follows: "We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved." In re Dembiczak, 50 USPQ2d 1614.

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

"We are not persuaded by any sound reason why, at any time before the patent is granted, an applicant should have limitations of the specification read into a claim where no express statement of the limitation is included in the claim ... However, this court has consistently taken the tack that claims yet unpatented are to be given the broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend his claims, the thought being to reduce the possibility that, after the patent is granted, the claims may be interpreted as giving broader coverage than is justified." *In re Prater*, 162 USPQ 541 (CCPA 1969).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ella Colbert/

Primary Examiner

Art Unit 3696

June 8, 2009

Conferees:

Appeals Conference Specialist

Vincent Millin /Vincent Millin/

/H. K./

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